

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMANUEL DELACRUZ, *ON BEHALF OF*
HIMSELF AND ALL OTHER PERSONS
SIMILARLY SITUATED,

Plaintiff,

-against-

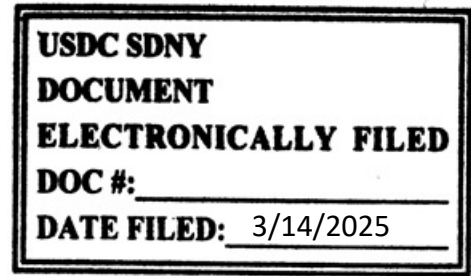
NEW YOU BARIATRIC GROUP, LLC

Defendant.

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KATHARINE H. PARKER, United States Magistrate Judge:

On February 10, 2025, the Court issued an order setting a briefing schedule for the parties' Motion for Summary Judgment. (ECF No. 30) On March 11, 2025, a day after the deadline for Defendant to file its Motion for Summary Judgment and without leave from the Court, Defendant filed along with its Motion for Summary Judgment, a Motion to Dismiss and a Motion for Sanctions, and requested an oral argument on the Motion for Sanctions. (ECF No. 31) On March 11 and 13, 2025, Plaintiff filed Letter Motions requesting the Court's intervention to compel Defendant to withdraw the additional motions filed without the Court's approval. (ECF Nos. 35 and 38) On March 11 and 13, 2025, Defendant filed letters responding to the allegations in Plaintiff's March 11, 2025 Letter Motion. (ECF Nos. 37 and 39)

Defendant has failed to follow the Court's February 10, 2025 order by filing its Motion for Summary Judgment late and the Court's rules requiring that the parties seek leave from the Court prior to filing any motion by filing a Motion to Dismiss and a Motion for Sanctions without the Court's approval. Therefore, Defendant's request for an oral argument on the Motion for



23-CV-6405 (PAE) (KHP)

ORDER

Sanctions is DENIED. Further, Plaintiff's Letter Motions to compel Defendant to withdraw the additional motions filed without the Court's approval are GRANTED in part. Defendant shall refile its Motion for Summary Judgment only **by March 18, 2025**. Defendant is advised that it shall follow the Court's orders and rules regarding the filing of motions and seek leave from the Court prior to filing any such motion.

The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 35 and 38. Further, the Clerk of Court is also respectfully directed to strike the documents at ECF Nos. 31-34.

SO ORDERED.

DATED: March 14, 2025
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge